



ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY

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*December 11, 2008
Agenda Item 6.3.2*

Memorandum

Date: December 1, 2008

To: CMA Board

From: Plans and Programs Committee

Subject: I-580 Tri-Valley Rapid Transit Corridor Improvements: Regional Measure 2 (RM2 Project 32.1d): Request Allocation for Preliminary Engineering Phase of Subproject 32.1d: Eastbound I-580 HOV Lane Project – Auxiliary Lanes

Action Requested

It is recommended that the Board approve the following actions in support of delivering the I-580 Tri-Valley Rapid Corridor Improvements Subproject 32.1d: Eastbound HOV Lane Project – Auxiliary Lanes:

- 1 Approve Board Resolution 08-015, required by the Metropolitan Transportation Commission (MTC), requesting allocation of \$700,000 of Regional Measure 2 (RM2) funds for Preliminary Engineering and approve the updates of the Initial Project Report (IPR) for sub-project 32.1d: "Eastbound I-580 HOV Lane" of the I-580 Tri-Valley Rapid Transit Corridor Improvements.
- 2 Authorize the Executive Director, or his designee, to negotiate and execute all necessary agreements with MTC for the allocation and use of RM2 funds to deliver the I-580 Eastbound HOV-Auxiliary Lanes project.

Discussion

Action 1:

Subproject 32.1d: Eastbound I-580 HOV Lane Project will construct an eastbound HOV lane in the median of I-580 from Hacienda Drive to the Greenville Overcrossing and associated auxiliary lanes and roadway improvements. This will provide congestion relief on eastbound I-580, particularly for express buses and high occupancy vehicles in the evening peak period.

To improve traffic operations in the I-580 corridor and to complete the auxiliary lanes plan on eastbound I-580, the CMA is initiating a project to construct two auxiliary lanes from Isabel to North Livermore and from North Livermore to First Street. Funding for the project development phase of this project is from Metropolitan Transportation Commission Regional Measure 2 (RM2) funds.

The revision of the IPR for Subproject 31.1d: Eastbound I-580 HOV Lane Project has been prepared to request additional allocations of RM2 funds from MTC as follows:

Project	Phase	Previous Allocation Authorized	Additional / New Allocation Need	Total for Phase	Total Subproject (previous and new allocation)	Allocation Requested
Value in \$ Thousands						
32.1d Eastbound I-580 HOV Lane Project	PA/ED	5,500	700	6,200	6,200	700
	Design	500		500	500	
	Construction	9,182		9,182	9,182	
	Total	15,182		15,882	15,882	700

The revised IPR is summarized in the Fact Sheets (Attachment A) accompanying this memo.

In compliance with MTC's RM2 policy requirements, a new Board Resolution is required to adopt the CMA's revised IPRs and current allocation requests for this subproject. Board Resolution 08-01X has been prepared and is shown in Attachment B.

Action 2:

The Executive Director, or his designee, will negotiate and execute all necessary agreements needed to deliver this subproject.

Financial Impact to the CMA

The savings from the Eastbound HOV project will be reallocated to the auxiliary lanes project through an amendment to the Corridor Mobility Improvement Account. The funding plan will be established and the CMA budget will be amended accordingly.

ATTACHMENT A

FACT SHEET – Subproject 32.1d – Eastbound I-580 HOV Lane Project

Subproject Description:

Construct an eastbound I-580 HOV Lane from Hacienda Drive to the Greenville Overcrossing (11 miles), as well as associated auxiliary lanes and associated roadway improvements. The HOV Lane will be constructed in the existing median of I-580. The HOV lane will also construct the auxiliary lanes from Isabel Interchange to North Livermore and from North Livermore to First Street.

No right-of-way required for this subproject. A concurrent planning effort is underway in partnership with the Alameda County Transportation Improvement Authority to reserve right-of-way for the ultimate corridor buildout, which will include a future median transit corridor.

Need and Purpose:

The I-580 corridor in the Tri-Valley area is currently ranked as one of the most congested in the Bay Area. The corridor serves commuters and freight traffic between the Central Valley and various Bay Area destinations. Presently, eastbound I-580 is congested, particularly in the evening. The Eastbound I-580 HOV Lane Project will relieve congestion for express buses and, high occupancy vehicles in the evening peak period. The two auxiliary lanes will reduce the congestion eastbound queue at Isabel Interchange and improve the level of service between Isabel and North Livermore.

Subproject Status:

Construction of the first segment of this subproject began in August 2008. The second segment will be advertised in November. The preliminary engineering and environmental document of the auxiliary lanes will begin as soon as allocations are made.

Subproject Cost and Funding:

PHASE	COST	PROPOSED FUNDING
Preliminary Engineering/ Environmental	\$13,200,000	\$ 7,000,000 – TCRP \$ 6,200,000 – RM2 \$13,200,000
Design	\$800,000	\$ 800,000 – RM 2
Right-of-Way	\$200	\$200
Construction Capital/Support	\$140,869,000	\$18,000,000 – TCRP \$17,669,000 – STIP \$72,200,000 – CMIA \$27,000,000 - SHOPP \$ 5,300,000 - SAFETEA \$140,869,000 Total
TOTAL	\$153,869,000	\$153,869,000

RM2 Proposed: \$9,182,000 from WB HOV to replace the shortfall in TCRP.

Subproject Schedule:

PHASE	BEGIN	END
Prelim Engr/Environmental	August 2001	June 2009
Design	July 2005	December 2009
Right-of-Way	November 2007	Mar 2010
Construction Capital/Sup Seg 1	August 2008	September 2010
Construction Capital/Sup Seg 2	Feb 2009	December 2011
Construction Capital/Sup Seg 3	July 2010	December 2011

ATTACHMENT B

**ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY
RESOLUTION 08-015**

Implementing Agency: Alameda County Congestion Management Agency

Project Titles: Allocation Request for the Subproject 32.1d: Eastbound I-580 HOV Lane – Auxiliary Lanes Project of Project 32: I-580 – Tri-Valley Rapid Transit Corridor Improvements.

Whereas, SB 916 (Chapter 715, Statutes 2004), commonly referred as Regional Measure 2, identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

Whereas, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

Whereas, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

Whereas, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

Whereas, the Alameda County Congestion Management Agency (CMA) is an eligible sponsor of transportation projects in Regional Measure 2, Regional Traffic Relief Plan funds; and

Whereas, the Subprojects 32.1d: Eastbound I-580 HOV Lane- Auxiliary Lanes Project is eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

Whereas, the Regional Measure 2 allocation request, attached hereto in the Initial Project Report and incorporated herein as though set forth at length, project, purpose, schedule, budget, expenditure and cash flow plan for which CMA is requesting that MTC allocate Regional Measure 2 funds; and

Resolved, that the CMA, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636); and be it further

Resolved, that the CMA certifies that the project is consistent with the Regional Transportation Plan (RTP);

Resolved, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project;

Resolved, that the Regional Measure 2 phase or segment is fully funded, and results in an operable and useable segment;

Resolved, that the CMA approves the updated Initial Project Report, attached to this resolution; and be it further

Resolved, that the CMA approves the cash flow plan, attached to this resolution; and be it further

Resolved, that the CMA has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the updated Initial Project Report, attached to this resolution; and be it further

Resolved, that the CMA is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c); and be it further

Resolved, that the CMA is authorized to submit an application for Regional Measure 2 funds for the Subproject 32.1d: Eastbound I-580 HOV Lane Project as part of the Project 32: I-580 – Tri-Valley Rapid Transit Corridor Improvements, in accordance with California Streets and Highways Code 30914(c); and be it further

Resolved, that the CMA certifies that the project and purposes for which RM2 funds are being requested are in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et seq. and the applicable regulations there under; and be it further

Resolved, that there is no legal impediment to the CMA making allocation requests for Regional Measure 2 funds; and be it further

Resolved, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of the CMA to deliver such project; and be it further

Resolved, that CMA indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of the CMA, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it further

Resolved, that the CMA shall, if any revenues or profits from any non-governmental use of property (or project) are collected, that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and be it further

Resolved, that assets purchased with RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 2 funds were originally used; and be it further

Resolved, that the CMA shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 2 Toll Revenues; and be it further

Resolved, that the CMA authorizes its Executive Director, or his designee, to execute and submit an allocation request for the following phase of the following subproject with MTC for Regional Measure 2 funds for a total of \$9,182,000 for the project, purposes and amounts included in the project application attached to this resolution;

Project	Phase	Previous Allocation Authorized	Additional / New Allocation Need	Total for Phase	Total Subproject (previous and new allocation)	Allocation Request
Value in \$ Thousands						
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	Design	500		500	500	
	Construction	9,182		9,182	9,182	
	Total	15,182	700	15,882	15,882	700

and be it further

Resolved, that the Executive Director, or his designee, is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate;

Resolved, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the CMA application referenced herein;

Duly passed and adopted by the Alameda Congestion Management Agency at the regular meeting of the Board held on Thursday, December 11, 2008 in Oakland, California by the following votes:

AYES:

NOES:

ABSTAIN:

ABSENT:

SIGNED:

Mark Green, Chairperson

ATTEST:

Gladys V. Parmelee, Board Secretary